



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/602,444      | 06/24/2003  | Michael D. Oldham    | 100200681-1         | 9424             |

7590 07/24/2007  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

|          |
|----------|
| EXAMINER |
|----------|

ADDY, THJUAN KNOWLIN

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2614

|           |               |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

07/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/602,444

Applicant(s)

OLDHAM ET AL.

Examiner

Thjuan K. Addy

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment filed on April 27, 2007 has been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 1-20 are still pending in this application, with claims 1, 6, 8, and 15 being independent.
  2. The declaration filed on April 24, 2007 under 37 CFR 1.131 has been considered but is ineffective to overcome the Schoeneberger reference.
  3. The evidence submitted is insufficient because, the conception occurs prior to the date of the Schoeneberger reference, but the constructive reduction to practice is afterward. It is not enough merely to allege that applicant had been diligent. Applicant must show evidence of facts by either affirmative acts or acceptable excuses in order to establish diligence. The statement of "application was prepared with due diligence is" is insufficient. The critical period in which the diligent must be shown begins just prior to the effective date of the Schoeneberger reference, 08/16/02, and ends with the date of the constructive reduction to practice, 06/24/03.
  4. Applicant is reminded that the 37 CFR 1.131 affidavit must contain an allegation that the acts relied upon to establish the date prior to the reference or activity were carried out in this country or in a NAFTA country or WTO member country.
- MPEP715.07(c).

5. The declaration filed on April 24, 2007 under 37 CFR 1.131 is insufficient to overcome the Schoeneberger reference

***Claim Rejections - 35 USC § 102***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Schoeneberger (US Patent Application, Pub. No.: US 2004/0032863 A1) for the reason of record.

8. In regards to claims 1 and 15, Schoeneberger discloses a method and apparatus of routing voice communications (See Abstract), comprising: establishing a first path between a remote originating node (See Fig. 3 and customer phone 102) and a gateway (See Fig. 3 and gateway 108) using a first channel of a circuit-switched network (See Fig. 3 and PSTN 104), wherein the gateway is communicatively coupled to the circuit-switched network and a packet-switched network (See Fig. 3 and WAN 124); and establishing a second path between an answering node (See Fig. 3 and remote agent phone 172) and the gateway using a second channel of the circuit-switched network if the answering node is remote relative to the gateway, wherein the first and second paths collectively form a bi-directional communication path (See pg. 1, paragraph [0009]; pg. 3, paragraph [0028]; and pg. 4, paragraph [0035]).

9. In regards to claims 2 and 9, Schoeneberger discloses the method and apparatus, further comprising: establishing the second path between the answering node (See Fig. 3 and in-house agent 150) and the gateway using the packet-switched network, if the answering node is local relative to the packet-switched network (See pg. 4, paragraph [0035] – [0036]).
10. In regards to claim 3, Schoeneberger discloses the method, further comprising: communicating voice data between the first and second nodes through the gateway (See pg. 3, paragraph [0029]).
11. In regards to claims 4 and 8, Schoeneberger discloses the method and apparatus, wherein the gateway performs the following steps: converting first circuit-switched voice data received from the circuit-switched network into packet-switched voice data; converting packet-switched voice data into second circuit-switched voice data for any packet designating a remote destination node; and routing the second circuit-switched data to the remote destination node across the circuit-switched network (See pg. 4, paragraph [0035]).
12. In regards to claim 5, Schoeneberger discloses the method, wherein at least one of the originating and answering nodes is circuit-switched subscriber equipment (See Fig. 3, customer phone 102, and remote agent phone 172) comprising a selected one of a telephone, modem, and facsimile apparatus (See Fig. 3).
13. In regards to claim 6, Schoeneberger discloses a method of routing voice communications between first and second nodes of a communication system, comprising: converting first circuit-switched voice data received from a remote first node

on a first channel of a circuit-switched network to packet-switched voice data; and routing the packet-switched voice data to the second node, only if the second node is local to the packet-switched network (See pg. 4, paragraph [0035] – [0036]).

14. In regards to claim 7, Schoeneberger discloses the method, further comprising: converting the packet-switched voice data to second circuit-switched voice data; and routing the second circuit-switched voice data to the second node, if the second node is remote from the packet-switched network (See pg. 4, paragraph [0035]).

15. In regards to claim 9, Schoeneberger discloses the apparatus, wherein the packet-switched voice data is routed to a local second node using a packet-switched network for any packet designating the local second node (See pg. pg. 4, paragraph [0035] – [0036]).

16. In regards to claims 10 and 16, Schoeneberger discloses the apparatus, wherein at least one of the first (See Fig. 3 and customer phone 102) and second (See Fig. 3 and remote agent phone 172) nodes is communicatively coupled to the gateway (See Fig. 3 and gateway 108) through both the circuit-switched network (See Fig. 3 and PSTN 104) and the packet-switched network (See Fig. 3 and WAN 124) (See Fig. 3).

17. In regards to claims 11 and 17, Schoeneberger discloses the apparatus, wherein the first channel carries analog data on an analog subscriber line (See pg. 3, paragraph [0032]).

18. In regards to claims 12 and 18, Schoeneberger discloses the apparatus, wherein the first channel carries digital data on a digital subscriber line (See pg. 3, paragraph [0027], lines 1-5),

19. In regards to claims 13 and 19, Schoeneberger discloses the apparatus, wherein the digital subscriber line is time division multiplexed (See pg. 3, paragraph [0028]).

20. In regards to claims 14 and 20, Schoeneberger discloses the apparatus, wherein the first channel defines a connection between the gateway (See Fig. 3 and gateway 108) and subscriber equipment (See Fig. 3 and customer phone 102) of the first node, wherein the subscriber equipment is a selected one of a modem, telephone, and facsimile apparatus (See Fig. 3).

### ***Response to Arguments***

21. Since the declaration filed on April 24, 2007 under 37 CFR 1.131 is insufficient to overcome the Schoeneberger reference and the applicant did not provide further argument as to why the 35 U.S.C. 102(e) rejections would not have been anticipated, the rejection is maintained and no further response is needed.

### ***Conclusion***

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

23. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

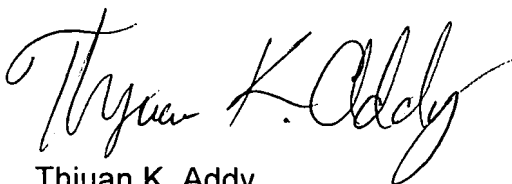
Art Unit: 2614

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

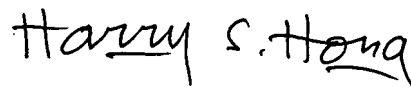
24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan K. Addy whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thjuan K. Addy  
Patent Examiner  
AU 2614



HARRY S. HONG  
PRIMARY EXAMINER